

justified. Imagine the message that sends to small towns across America like East Palestine, with rail lines running right through them.

I want to be clear. A full investigation into the cause of the East Palestine derailment must be complete before we know the specifics behind the accident, but it doesn't take an expert to see that, if you spend years trying to cut back safety regulations, if you spend years doing the bidding of the rail lobby, then, in the long run, communities like East Palestine are at greater risk of accidents—and so are so many of my communities in upstate New York, where two of the major national rail lines run through the State, one across the center of the State near where the Erie Canal ran, going through Buffalo, Rochester, Syracuse, Utica, Albany, and down the Hudson River; and the other across the southern tier.

In fact, now, this weekend, we saw yet another Norfolk Southern derailment in Ohio, near Springfield. Thank God, nobody was hurt.

So I look forward to hearing from Norfolk Southern's CEO this week. I look forward to working with both sides to increase rail safety through legislation. But Republicans need to acknowledge that accidents like the one in East Palestine don't happen out of the blue. They become more likely when maximizing profits is crowned king above everything else, even above people's safety.

NOMINATION OF DANIEL I. WERFEL

Madam President, on the IRS Commissioner, today I filed cloture on the nomination of Daniel Werfel to serve as Commissioner for the IRS.

For the information of all Senators, this will set up the first procedural vote on this nominee as early as Wednesday.

Mr. Werfel was reported out of the committee with bipartisan support, and it should be no different on the Senate floor. Confirming someone as qualified as Mr. Werfel as IRS Commissioner is crucial to making sure Americans take full advantage of all the tax credits we approved last year through legislation like the CHIPS and Science bill. It is also crucial for deploying resources we approved to go after rich cheats and ensure middle-class families are not needlessly audited while those at the top get by scot-free.

The Senate has a responsibility to make sure the IRS is fully staffed to handle its enormous workload—all the more important this year because of the new tax credits we approved through bills like CHIPS and Science last Congress.

SPECTRUM AUCTION AUTHORITY

Madam President, finally, on spectrum, Senators from both sides of the aisle are working to approve a 60-day extension of the FCC's spectrum auction authority by the March 9 deadline. The House recently passed a 60-day extension by voice vote. We are working right now to get the Senate to act

quickly in order to give both sides more time to arrive at a larger comprehensive agreement.

Congress has never before allowed the FCC spectrum auction authority to lapse, and to let it happen for the first time would be disastrous. Spectrum is essential for building out 5G capabilities. Its application impacts everything from families' internet access to satellite communications, all the way down to baby monitors.

I expect both sides will come to an agreement very soon to approve a 60-day extension before the March 9 deadline.

I yield the floor.

I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The senior assistant legislative clerk proceeded to call the roll.

Mr. CORNYN. Madam President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

BORDER SECURITY

Mr. CORNYN. Madam President, last Thursday and Friday, I hosted several of our Senate colleagues for a visit to Texas's southern border. As you can see, Senators THUNE, WICKER, FISCHER, BRITT, and RICKETTS joined me for a series of tours and meetings in the Rio Grande Valley. This followed a bipartisan visit that we made to El Paso and Yuma just a few weeks ago.

So far, I have been happy to host, along with Senator CRUZ, about 10 separate delegations to the border. Each of those Senators saw a beautiful and vibrant region overwhelmed by the burden it has been handed by the Federal Government.

Since President Biden took office, border communities and our entire State, for that matter, has been forced to carry the massive weight of a humanitarian and security crisis. Border communities are left with no choice but to provide food, clothing and shelter, medical care, and transportation for tens of thousands of migrants each week. And they are forced to use their local tax dollars toward costs that really should be borne by the Federal Government. And, of course, they are left to wonder how this crisis is impacting the safety of their communities.

During our conversations last week, law enforcement officers shared their concerns about the security breakdowns along the border. Given the overwhelming number of people entering our country every day, Border Patrol has to respond and reposition with its limited personnel. As a result, highly trained law enforcement officers are shifted from the frontlines to pushing paper. Agents who should be arresting cartel members who attempt to traffic drugs in our country are now spending their days on administrative duties.

And 108,000 Americans died just last year alone from drugs coming across the border. Of course, this isn't a coin-

cidence; this is a plan. The cartels are smart. They are shrewd. They are scheming, and they are in pursuit of the almighty dollar. They orchestrate migration surges in specific areas to flood the zone and overwhelm law enforcement so they can take advantage of unpatrolled areas nearby.

When we arrived Thursday night, we saw firsthand the sheer volume and diversity of migrants whom agents were apprehending, from a 6-month-old baby to single adult males. And previously, we had seen sections of the border, like Yuma, AZ, where migrants from more than 150 countries show up and claim asylum.

Of course, this is part of the overwhelming strategy of the cartels. Their strategy is to distract and overwhelm. While professional law enforcement agents are busy processing and transporting migrants, cartels can smuggle heroin, fentanyl, and Heaven knows what else across the border. It is all part of a game plan by the cartels, and the Biden administration is getting played.

But this isn't news to the people who live and work along the border. They have seen this happening for the last 2 years, but without the support of President Biden, they are powerless to stop it on their own.

On Friday, we spoke with local, State, and Federal law enforcement about the far-reaching security impact of this broken border. The fentanyl that comes across the border doesn't stay in border communities. It moves to cities and towns across the country, mainly distributed by criminal street gangs that then battle each other for market share, for territory, and, of course, engage in a whole host of other crimes, too, but selling drugs is how they pay for much of it.

These local and State and Federal officials weren't just concerned about this poison slipping across the border but dangerous criminals who come across too. Last year, Customs and Border Protection arrested more than 750 criminal gang members and 98 people who were on the terrorist watch list. We all remember what happened not that long ago—20 years ago now, I guess—on 9/11, when fewer terrorists than that hit the World Trade Center and the Pentagon, killing 3,000 Americans. But the Biden administration seems to be completely oblivious to the potential threat of people on the terrorist watch list making their way into the United States undetected. You can't help but wonder how many people are able to sneak into our country undetected while law enforcement is distracted caring for migrants—hundreds of thousands of migrants or what Border Patrol calls "got-aways," people who are running away from law enforcement, and it doesn't take any imagination to wonder why.

The current state of affairs is unsustainable, but President Biden continues to promote the false narrative that only Congress can fix this

border crisis. During his State of the Union last month, President Biden even said:

America's border problems won't be fixed until Congress acts.

But that myth is easy to debunk. Just compare what we are seeing now to what we saw during the previous administration.

During President Biden's first 2 years in office, Customs and Border Protection encountered nearly 4.7 million migrants at the southern border, an absolutely unprecedented and astonishing figure. But during the first 2 years of the Trump administration, the Agency reported fewer than 950,000 encounters. From one administration to the next, we saw from 950 to 4.7 million. Congress did not pass any sweeping immigration laws in the interim. There hasn't been any major legislation that might have caused this dramatic increase or restricted the administration's ability to respond to it.

Despite the fact that President Biden was dealt the exact same hand when it comes to his authorities at the border, we have experienced nearly 4½ times as many border crossings under his Presidency—4½ times.

So this crisis wasn't created by Congress, and Congress is not the problem when it comes to solutions. It is the Biden border crisis, and only he can fix it.

We don't need to completely rewrite our immigration laws in order to fix the humanitarian and security crisis at the border. President Biden needs to do what other administrations have done: enforce the laws already on the books. The administration needs to get serious about things like expedited removals and ensure that those with invalid asylum claims are quickly removed from the United States. The administration needs to increase detention space so frontline personnel have the capacity to actually carry out their job. They need to stop paroling or essentially waving people into the United States to wait for an appointment with Immigration and Customs Enforcement that is years away because of the backlog.

Time and time again, the Border Patrol tells me that what is missing now that existed previously were consequences—consequences with coming to the United States illegally or by exploiting our asylum system. There were consequences, and that offered a deterrent effect on millions of people who are now coming to the border.

By taking a few simple actions, the Biden administration could send a clear message to anyone considering crossing our border: Unless you have a legitimate reason to be here, you will not be able to stay. That is the very essence of consequences. Deterrence is a key component of a safe and secure border, and until the administration starts deterring would-be migrants with frivolous asylum claims from crossing the border, we will remain in a constant state of crisis.

To be clear, I am not suggesting Congress should just sit on the sidelines. We have an important role to play too. For one thing, there is obviously a need to improve border security. We need to strengthen the combination of technology, infrastructure, and boots on the ground that is the recipe for closing the security gaps that are being exploited every day.

Last week, law enforcement told us, in no uncertain terms, that they need additional resources, and providing those resources should be a top priority. But Congress also needs to address the glaring problems with our asylum system that are being exploited massively.

In the Yuma sector, where I traveled with the bipartisan delegation just weeks ago, the Border Patrol Sector Chief told us that 17 people from 176 countries, speaking 200 languages, were coming through the Yuma Border Patrol Sector and claiming asylum because they knew they would be released to the interior of the United States.

That is a broken asylum system, especially when, once people ultimately do appear in front of an immigration judge, no more than 15 percent to 20 percent of those will have those asylum claims validated, which means 75 percent to 80 percent or so are staying in the country awaiting a future asylum hearing without any legitimate claim to asylum.

One of the places we visited was a Border Patrol processing center. You can see that here. We saw just how overwhelmed the Border Patrol is by the number of people they have to process. We discussed the growing backlog of cases and the fact that it will be years, if ever, that these cases will ultimately appear in front of an immigration judge. That is unfair to the individuals and families with legitimate asylum claims who have to live in a constant state of uncertainty for years because this system is simply so underwater and dysfunctional. It is also unfair to those who do not qualify for asylum and whose claims will ultimately be rejected. They will end up spending years living and working in the United States only to be told at some point in the future that they have to leave.

But the dirty secret—and it is not a secret—is that many people will simply not show up for that future court date, knowing that, thanks to the Biden administration's open borders and non-enforcement policy, they will likely be able to stay in the United States, even though they don't appear in front of an immigration judge at some point in the future.

There are a lot of problems that Congress can and should solve, but the current border crisis does not hinge on all those reforms.

I appreciate my colleagues coming to Texas to visit our southern border, the ones who did last week and the many others who joined recently on a bipar-

tisan basis. I think it is important for every Senator to see what is happening at the southern border. But the constant refrain I hear is because of the drugs being imported into the United States that are being distributed virtually throughout the country—what I keep hearing people say is every State is now effectively a border State, and every city, including Washington, DC, New York, and Chicago, where many of these migrants have been bused because that is where they requested to await their future hearing—all those are border cities, in effect, as well. The problem does not stay at the border. The problem is all across the country, thanks to the message that the Biden administration is sending that there is no reason not to come. In fact, if you do come, you are likely to be successful in staying.

It is simply unfair to the professionals who work on the border who are overwhelmed by the burden they have been asked to carry and frustrated beyond belief by the lack of support that they receive from this administration. Essentially, what the Border Patrol has been told, in so many words, is: You hired on to do a job, an important law enforcement job, but we are going to shackle you and prevent you from actually doing the job that you entered the Border Patrol to do because we are not going to embrace the right policies, and we are not going to provide enough resources for you to actually do your job and succeed in doing your job.

Communities across the U.S.-Mexico border are dealing with the fallout from the administration's policy failures and, as I said a moment ago, the Biden administration has tools at its disposal to address this crisis without any action from Congress, and it is time to put those to use.

I yield the floor.

I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The senior assistant legislative clerk proceeded to call the roll.

Mrs. BLACKBURN. Madam President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

NOMINATIONS

Mrs. BLACKBURN. Madam President, in the months leading up to the 2020 election, Joe Biden distanced himself from the far-left wing of the Democratic Party and pitched himself as a moderate, and for the most part, the media happily played along right until day 1 of the Biden administration—when Joe Biden handed the reins to the most radical slate of nominees this country has ever seen.

The Democrats claim that this administration is transformative, but that is not what Tennesseans believe. All they see is a President who is not in control of his government and a host of unelected bureaucrats on a mission to rip apart this country and to rebuild it in their image. That is the kind of